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UNCLAS ZAGREB 000140

SIPDIS

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E.O. 12958: N/A

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SUBJECT: CROATIAN GOVERNMENT TO PROPOSE ALLOWING
FOREIGNERS FULL ACCESS TO PROPERTY RESTITUTION LAW -
NO BILATERAL AGREEMENT REQUIRED

REF: 05 ZAGREB 1747

1. (SBU) SUMMARY: In a January 31 meeting with the Ambassador, the Croatian Minister of Justice confirmed reports that the GOC will propose amending the 1996 Restitution Act, as already amended in 2002, to allow foreigners to file claims under the Act's provisions without the need for a bilateral or international agreement governing the issue. The Minister hopes that the Croatian Parliament (Sabor) will consider and pass the amendment by March 2006. After passage of the amendment, American citizens and other foreigners would be given a six month period to file claims. The Minister also confirmed that a 1999 Constitutional Court decision effectively extends the time period covered by the law to include claims for property taken as early as April 6, 1941. Given the new policy, the GOC has decided not to pass the agreement already initialed with Austria to the Sabor for approval. END SUMMARY.

2. (U) The Ambassador and Chief of the Consular Section met with the Croatian Minister of Justice on January 31, 2006. The meeting was scheduled with the intent to push the GOC to set a date for the start of negotiations on a bilateral agreement that would allow American citizens access to Croatia's property restitution law. Several days before the meeting, we learned that the GOC was considering a policy reversal and that a proposal to drop the bilateral agreement requirement was in the works.

3. (SBU) In their meeting, Minister of Justice Vesna Skare Ozbolt, confirmed to the Ambassador that the Prime Minister and his Cabinet had reached an agreement with President Mesic on a proposed amendment to the 1996 Restitution Act. The amendment would allow foreigners complete access to the law on an equal basis with Croatian citizens and would drop the prerequisite for a bilateral agreement governing the issue. She added that the GOC would include all of the more generally applicable provisions of the agreement that was negotiated with Austria (but never passed to the Sabor). Given the policy change, the GOC decided that it would not pass the initialed Austrian agreement to the Sabor for approval.

4. (SBU) The Minister hopes that the Sabor will review the proposed amendment in an "emergency procedure" and pass it by March 2006. Once the amendment is passed, the GOC will allow foreigners a six-month time frame within which to file claims. Claims already submitted by foreigners since the passage of the 2002 amendment will be considered valid and will not need to be re-submitted.

5. (SBU) In response to a question from conoff, the Minister confirmed that a 1999 Constitutional Court decision effectively allows claimants to file claims for property taken as early as April 6, 1941. The Minister noted that the Constitutional Court decision has the same effect as legislation and confirmed that once foreign claimants have access to the Restitution Act, they may file claims for property taken as early as April 6, 1941. The Ambassador and conoff observed that the expansion of the dates covered by the law was not widely known or understood. We suggested that the planned amendment and GOC information campaign specifically note that claims for property seized between April 6, 1941 and May 14, 1945 could be submitted under the Restitution Act, as amended.
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